

From: [Matt Pawa](#)
To: [Devin McKnight](#); [Ian Carleton](#); [Emily Joselson](#)
Cc: [Alex Nelson](#); [Goutman, Tom \(SHB\)](#); [Kyle McGee \(kmcgee@gelaw.com\)](mailto:kmcgee@gelaw.com); [Viola Vetter \(vvetter@gelaw.com\)](mailto:vvetter@gelaw.com)
Subject: RE: BSD subpoena
Date: Wednesday, December 14, 2022 1:26:19 PM

Ian and Tom – in anticipation of our call later today, here is an update on where we are:

- BSD is today examining two locations where there are older, hard copy documents to determine whether there is anything in those locations that may be relevant/responsive. The volume of old hard copy documents to review for responsiveness is apparently quite large. Documents are being moved from BHS-BTC this week to another site for further review.
- As previously discussed, we are voluntarily collecting electronic documents from three consultants – Atlas, Fuss & O’Neil and PCI. We have asked these consultants to provide all non-email electronic documents relating to the BHS-BTC project ASAP and without subpoenas and they have now sent us documents in response to this request.. We have loaded documents from all three consultants onto our document management system, labeled them and are reviewing them for privilege now. We expect to be able to produce them to you within days. Note that the PCI documents came in two tranches – one from Tom Peterson (who is retired) and one set directly from PCI; the latter set arrived just this morning on a thumb drive and are not yet loaded onto our system or labeled but will be shortly and will also be reviewed and produced. Obviously, any privileged documents in the consultant documents (if any) will not be produced.
- We are running searches through BSD emails using the search terms you provided. After we receive an initial report on the volume, we will be able to provide more information on timing of production.
- We have learned more about the timeline of planned activities at BHS-BTC. While site activities are set to begin January 10 for BHS, this will be limited in scope to non-corrective action Plan (CAP) work. Any work that is outlined in the CAP such as demolition, removal, and disposal of contaminated building materials or soils under DEC management, etc. will not take place until the CAP has been finalized. The State and EPA provided comments to the current CAP on December 6, 2022, which requires a response from Atlas and Fuss & O’Neill Inc. within 30 days. Following this, the State (1) may have more comments for the CAP that require a response or (2) the CAP will be publicly noticed for 30 days. Given the current status of the site, we believe it is unlikely that significant cleanup activities, such as demolition, are likely to occur by the January 10 deadline.

Please copy Kyle and Viola on future emails on this matter. Thank you.

Matt

[Matt Pawa](#)
Partner

EXHIBIT G

Chair, Environmental
Practice

SEEGERWEISS^{LLP}

1280 Centre Street

Suite 230

Newton, MA 02459

P. 617.641.9550

C. 617.233.3773

mpawa@seegerweiss.com

From: Devin McKnight <DMcKnight@sheeheyvt.com>

Sent: Tuesday, December 13, 2022 10:02 PM

To: Ian Carleton <icarleton@sheeheyvt.com>; Matt Pawa <MPawa@seegerweiss.com>; Emily Joselson <ejoselson@langrock.com>

Cc: Alex Nelson <Anelson@sheeheyvt.com>; Goutman, Tom (SHB) <tgoutman@shb.com>

Subject: RE: BSD subpoena

Hello Matt & Emily,

As Ian indicated below, please find attached a detailed deficiency letter. Please let us know if you are available to meet and confer tomorrow.

Thanks,

Devin

From: Ian Carleton <icarleton@sheeheyvt.com>

Sent: Tuesday, December 13, 2022 4:58 PM

To: Matt Pawa <MPawa@seegerweiss.com>; Emily Joselson <ejoselson@langrock.com>

Cc: Alex Nelson <Anelson@sheeheyvt.com>; Devin McKnight <DMcKnight@sheeheyvt.com>;

Goutman, Tom (SHB) <tgoutman@shb.com>

Subject: BSD subpoena

Matt, Emily,

We have completed our review of the objections and 3000+ pages of materials produced thus far by the BSD in response to Bayer's subpoena. Unfortunately the material produced isn't nearly sufficient for us to prepare our experts for an inspection, and doesn't approach meeting the reduced expedited document request we provided after our last Zoom meet and confer. Among other things, the production does not appear to contain any documents generated prior to 2019.

It may well be that it is simply impossible to gather and produce sufficient documents in time to inspect before anticipated demolition. Either way, time is exceptionally tight. We will endeavor to get you a detailed deficiency letter later tonight or first thing tomorrow morning, but in the

meantime we want to lock in a time for one more meet and confer tomorrow in hopes of heading off motions practice. We can be available for that call/zoom anytime tomorrow except 11:30-1 or 3-4:30. Please let us know what time works best for you and we will circulate a link.

Under normal circumstances we would obviously be more flexible on the timing of our meet and confer, however with the holidays and demolition deadline approaching we just don't have that flexibility. If you're not available tomorrow we will proceed with a motion to compel, request expedited treatment, explain the circumstances in our LR 26(c) affidavit, and hope the court understands the timing issues.

Thanks and talk soon,

Ian P. Carleton
SHEEHEY FURLONG & BEHM P.C.
30 Main Street, 6th Floor
PO Box 66
Burlington, VT 05402-0066
(802) 734-0609 (Mobile)
(802) 864-9891 (Office Main)
(802) 865-6321 (Office Direct)
icarleton@sheeheyvt.com
www.sheeheyvt.com

CONFIDENTIALITY NOTICE: This email is intended only for the use of the recipient(s) named above and may be subject to the attorney-client and/or work product privileges, neither of which is waived by this transmission. If you receive this email in error, please immediately notify the sender by reply email or phone (802) 864-9891 and destroy this communication. Thank you.

WARNING: EXTERNAL E-MAIL.